

Exhibit No. 8 – Explanation of Redistricting Process

Introduction

On December 21, 2010, the Census Bureau of the United States Department of Commerce (“Census Bureau”) released its first round of 2010 Census data detailing each state’s population totals and the implications for the new membership of the United States House of Representatives (“House”). In accordance with Section 2 of the 14th Amendment to the U.S. Constitution, the 435 seats in the House of Representatives were apportioned to each of the states based upon this information and their relative population numbers. Through this process, South Carolina was apportioned seven seats in the House, reflecting an increase of one House member from the 2000 Census.

Subsequently, on March 23, 2011, the Census Bureau released detailed population data for the State of South Carolina collected during the 2010 decennial census. This information reflected that the state’s population had increased approximately 15.3% from the level determined in the 2000 Census and that the statewide population has increased by approximately 610,000 to 4,625,364. However, the pattern of growth was uneven across the state, with certain counties growing at a slower rate, or even declining in population, and others growing at a much faster rate. Additionally, the 2010 Census data demonstrated that minority population areas shifted over the intervening period, with some areas declining significantly in population and others growing at uneven rates.

When reviewed in the context of South Carolina’s six existing districts for electing members of the House (“House Districts”), the variations in population were substantial. Overall, the existing districts varied in deviation after the 2010 Census from +3.28% to +29.60% more than the ideal population of 660,766. When taking into account the need to add an entirely new

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seventh district, the deviations of the districts in the benchmark plan ranged from -100.00% (the new district) to +29.60% - an overall range of 129.60%. In short, significant modifications to the House Districts were required.

The Census reflected that the racial populations grew at disproportionate rates across the state as well. The total white population increased by 13.52% and the total black population by 8.90%. The total Hispanic population increased by 147.89%, although this increase reflected a total increase in the Hispanic population to only 235,682 persons. Additionally, minority populations had shifted since the 2000 Census from traditionally urban and rural areas of the state to suburban areas. As a result, the majority-minority 6th Congressional District existing following the enactment of the existing Congressional districts in 2001 declined in racial composition from its previous level of 53.55% to 52.08% Non-Hispanic Voting Age Population. Compounding this problem was the fact that the 6th Congressional District was contained 21,644 persons more than the ideal population of 660,766.

Recognizing the considerable adjustments needed to be made to comply with the United States Constitution, the Voting Rights Act of 1965 (“VRA”), and other applicable state and federal law, the South Carolina House of Representatives (“SC House”) and Senate (“SC Senate”) (collectively referred to herein as the “General Assembly”) in April 2011 began the process of redrawing the lines for the Congressional districts. In enacting House Bill 3992, the SC House and SC Senate endeavored to balance the populations of the districts such that all were as nearly equal in population as practicable while also attempting to maintain minority representation. In so doing, the General Assembly followed traditional redistricting principles to

develop the foundation for a plan that the SC House and SC Senate believe complies with constitutional requirements, Section 2 and Section 5 of the VRA, and the mandates of the substantial body of case law governing redistricting plans.

Overview of Census Data

On December 21, 2010, the Census Bureau released its first round of 2010 Census statistics detailing each state's population totals and their implications for the new membership of the House. As a result, South Carolina gained a representative in the House, increasing the state's number of seats in that body from six to seven. On March 23, 2011, the Census Bureau released more detailed 2010 Census population totals and demographics to the Honorable Robert W. Harrell, Jr., Speaker of the SC House, and the Honorable Glenn F. McConnell, President *Pro Tempore* of the SC Senate. This data provided the State's first look at population counts for smaller geographic areas as well as for race, Hispanic origin, voting age and housing unit data released from the 2010 Census. This information, reflected in the P.L. 94-171 official 2010 Census Redistricting Data Summary File, was subsequently used by the General Assembly to redraw and realign its Congressional districts, taking into account population shifts since the 2000 Census.

1. Population Growth

From 2000 to 2010, the population in South Carolina grew from 4,011,832¹ to 4,625,364, representing a numerical increase of 613,532 and a percentage increase of approximately 15.3%. However, this growth was not uniform across the state, with some counties growing at a much

¹ Based upon corrected Census numbers.

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slower rate and others experiencing reductions in population since the 2000 Census. In all, 12 counties in the state, all comprising predominantly rural areas in South Carolina, experienced a net population loss of up to 7.5% from the 2000 Census population tabulation. Combined, these 12 counties experienced an average population loss of -4.21% over the past ten years.

Other counties in South Carolina saw either stagnant or slow population growth that was less than the statewide average. For example, Marlboro, Orangeburg, Colleton, and four other counties saw population increases of less than 3%, with these counties experiencing an average population growth of only 1.82%. Additionally, 16 other counties in the state experienced growth ranging from 3.62% to 12.93%, all below the statewide average of 15.3%. In total, 35 of South Carolina's 46 counties experienced less than average population growth or, in some circumstances, population decline, and, on average, these counties grew at a rate of only 6.81%.

Only 11 counties in South Carolina grew at a more rapid rate than the statewide average. These counties, which, on average, grew 26.02%, comprise predominantly urban or suburban areas thus suggesting a population shift from the surrounding rural communities in the state. In all, these counties, which comprise only one-fourth of the counties in the state, grew by 461,058 persons, representing approximately 75% of the total growth in the state.

The wide variations in population growth were similarly reflected in the population deviations of the districts. As stated earlier, the existing districts varied in deviation from +3.28% to +29.69% from the ideal population for each of the seven districts of 660,766. However, Districts 1 and 2 experienced significantly more growth than the other four districts, growing by 29.69% and 24.90% respectively. Compounding the problems associated with the wide variances

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in population deviations was the fact that each district had to lose population to create the newly apportioned seventh district. Following the release of the Census Data, each district had to shed between 21,644 and 196,190 persons in order to achieve the ideal deviation of 660,766 and provide population for the seventh district.

Figure 1-a
 Total Population Growth by County

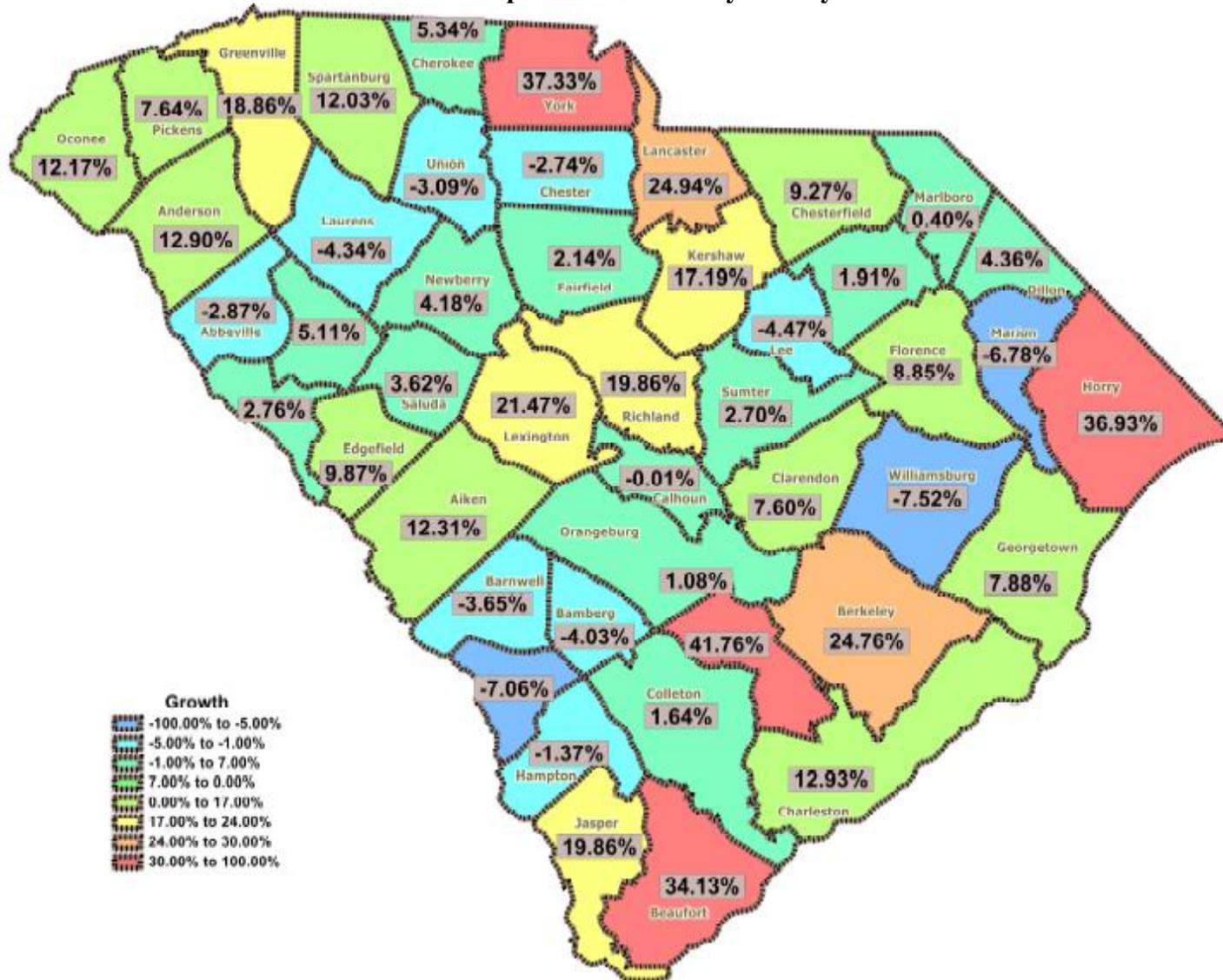


Table 1-a
Total Population Growth by County

	2000 Total Population	2010 Total Population	Percent Growth
South Carolina (Statewide)	4,011,832	4,625,364	15.29%
Abbeville	26,167	25,417	-2.87%
Aiken	142,556	160,099	12.31%
Allendale	11,211	10,419	-7.06%
Anderson	165,743	187,126	12.90%
Bamberg	16,658	15,987	-4.03%
Barnwell	23,478	22,621	-3.65%
Beaufort	120,948	162,233	34.13%
Berkeley	142,548	177,843	24.76%
Calhoun	15,177	15,175	-0.01%
Charleston	310,099	350,209	12.93%
Cherokee	52,537	55,342	5.34%
Chester	34,072	33,140	-2.74%
Chesterfield	42,768	46,734	9.27%
Clarendon	32,502	34,971	7.60%
Colleton	38,264	38,892	1.64%
Darlington	67,394	68,681	1.91%
Dillon	30,722	32,062	4.36%
Dorchester	96,327	136,555	41.76%
Edgefield	24,560	26,985	9.87%
Fairfield	23,454	23,956	2.14%
Florence	125,761	136,885	8.85%
Georgetown	55,762	60,158	7.88%
Greenville	379,617	451,225	18.86%
Greenwood	66,272	69,661	5.11%
Hampton	21,382	21,090	-1.37%
Horry	196,660	269,291	36.93%
Jasper	20,671	24,777	19.86%
Kershaw	52,647	61,697	17.19%
Lancaster	61,351	76,652	24.94%
Laurens	69,553	66,537	-4.34%
Lee	20,119	19,220	-4.47%
Lexington	216,010	262,391	21.47%

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	2000 Total Population	2010 Total Population	Percent Growth
McCormick	9,958	10,233	2.76%
Marion	35,466	33,062	-6.78%
Marlboro	28,818	28,933	0.40%
Newberry	36,004	37,508	4.18%
Oconee	66,215	74,273	12.17%
Orangeburg	91,514	92,501	1.08%
Pickens	110,757	119,224	7.64%
Richland	320,781	384,504	19.86%
Saluda	19,181	19,875	3.62%
Spartanburg	253,784	284,307	12.03%
Sumter	104,636	107,456	2.70%
Union	29,884	28,961	-3.09%
Williamsburg	37,221	34,423	-7.52%
York	164,623	226,073	37.33%

Figure 1-c
Deviation by House District Based on 2010 Census Data

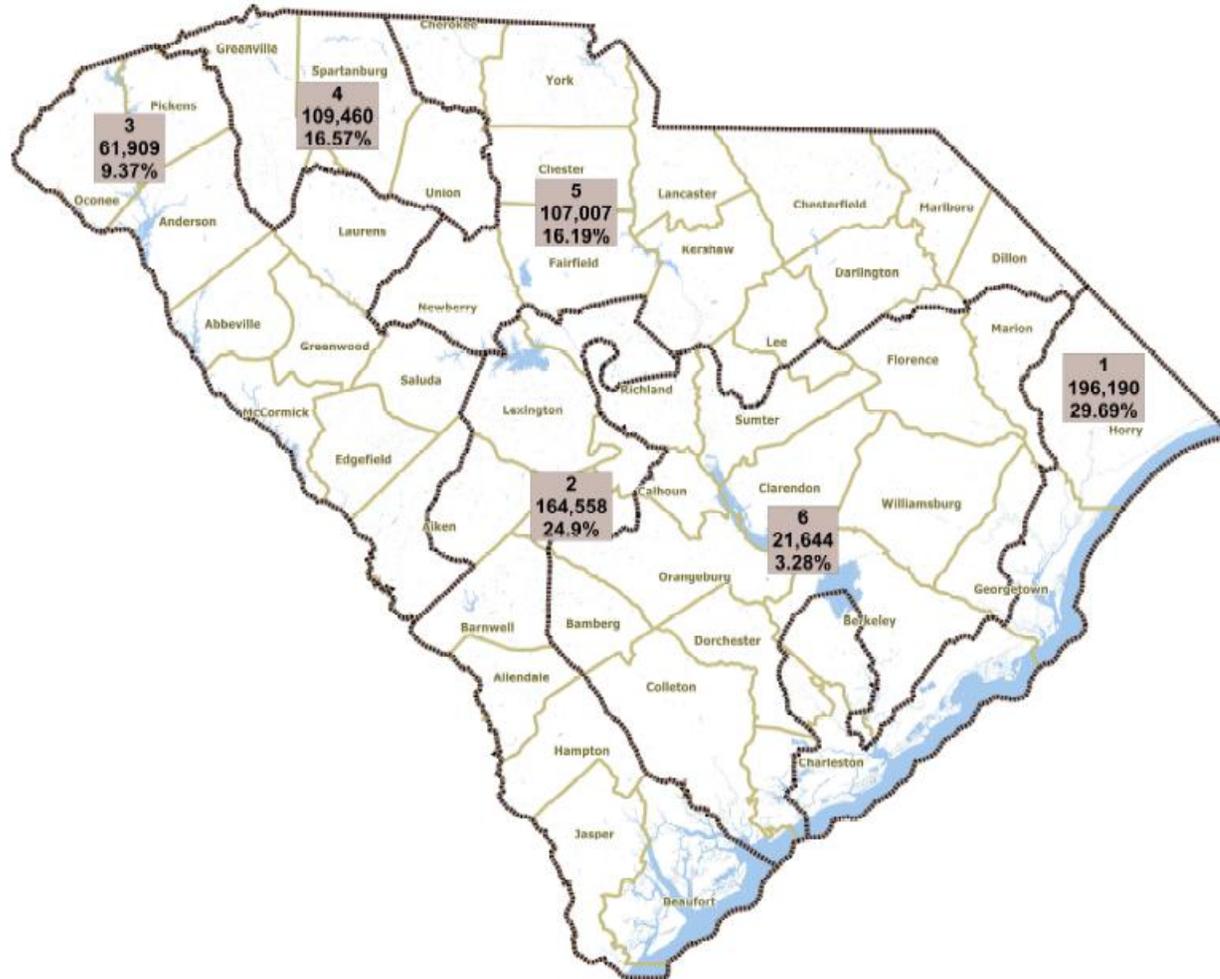


Table 1-c
Deviation by District

	Population	Deviation (from the ideal district size)	% Deviation
District 1	856,956	196,190	29.69%
District 2	825,324	164,558	24.90%
District 3	722,675	61,909	9.37%
District 4	770,226	109,460	16.57%
District 5	767,773	107,007	16.19%
District 6	682,410	21,644	3.28%
District 7	0	-660,766	100.00%

2. Minority Population

South Carolina's black population grew from 1,185,216 persons in 2000 to 1,290,684 persons in 2010, reflecting a growth rate of 8.9%. This population growth was substantially less than the statewide average growth rate of 15.29% and of the growth rate of white population of 13.52%. This diminished level of growth led to the black population comprising only 27.90% of the state's population in 2010 as compared to 29.54% of the population in 2000.

In only seven of the 46 counties² did the black population exceed the statewide average growth rate as reported by the 2010 Census. None of these counties were comprised of a majority black population. Additionally, the population shifts were more pronounced in 18 counties,³ where the black population decreased from the levels reported in 2000. Of these counties, seven⁴ were majority black counties in 2000. However, based upon population shifts reported in the 2010 Census, this number decreased to six because the black population in McCormick County now comprises only a plurality of that county's population. Only five majority black counties⁵ in South Carolina experienced a growth in black population, but in every instance that growth was substantially below the statewide average of 15.29%.

The total white population of the state grew by 13.52% and constituted 66.16% of the total population of the state. However, in 2000, the white population comprised 67.19% of the population, and thus declined by approximately 1.0% in proportion to the total population since the 2000 Census. Although the Hispanic population grew substantially from 2000 to 2010 at a

² Berkeley, Greenville, Horry, Richland, York, Lexington, and Dorchester Counties.

³ Calhoun, Abbeville, Saluda, Williamsburg, Marion, Laurens, Georgetown, Colleton, Chester, Bamberg, McCormick, Hampton, Allendale, Lee, Newberry, Charleston, Union, and Edgefield Counties.

⁴ Williamsburg, Marion, Bamberg, McCormick, Hampton, Allendale and Lee Counties.

⁵ Marlboro, Clarendon, Fairfield, Orangeburg, and Jasper.

rate of 147.89%, the total Hispanic population remained relatively small. In 2000, there were 95,076 Hispanics in the state, which comprised only 2.37% of the population. Over the intervening ten years, the Hispanic population increased by approximately 140,000 persons, but nevertheless constitutes only 5.1% of the state's total population and is geographically dispersed. As a result, no political subdivision in the state is comprised of a majority Hispanic population.

These population changes were also reflected in the statistics for the current Congressional districts. While the 6th Congressional District had a Non-Hispanic Black Voting Age Population of 53.55% under the 2000 Census, the black composition of the 6th district was significantly impacted by the shifting minority populations and diminished black population growth and, as reflected in the 2010 Census, had declined in black population to 52.08% NHBVAP – a net reduction of almost 1.5%. (There was no majority Hispanic district under either the 2000 or 2010 Census.)

Figure 2-b
 Black Population Changes by County

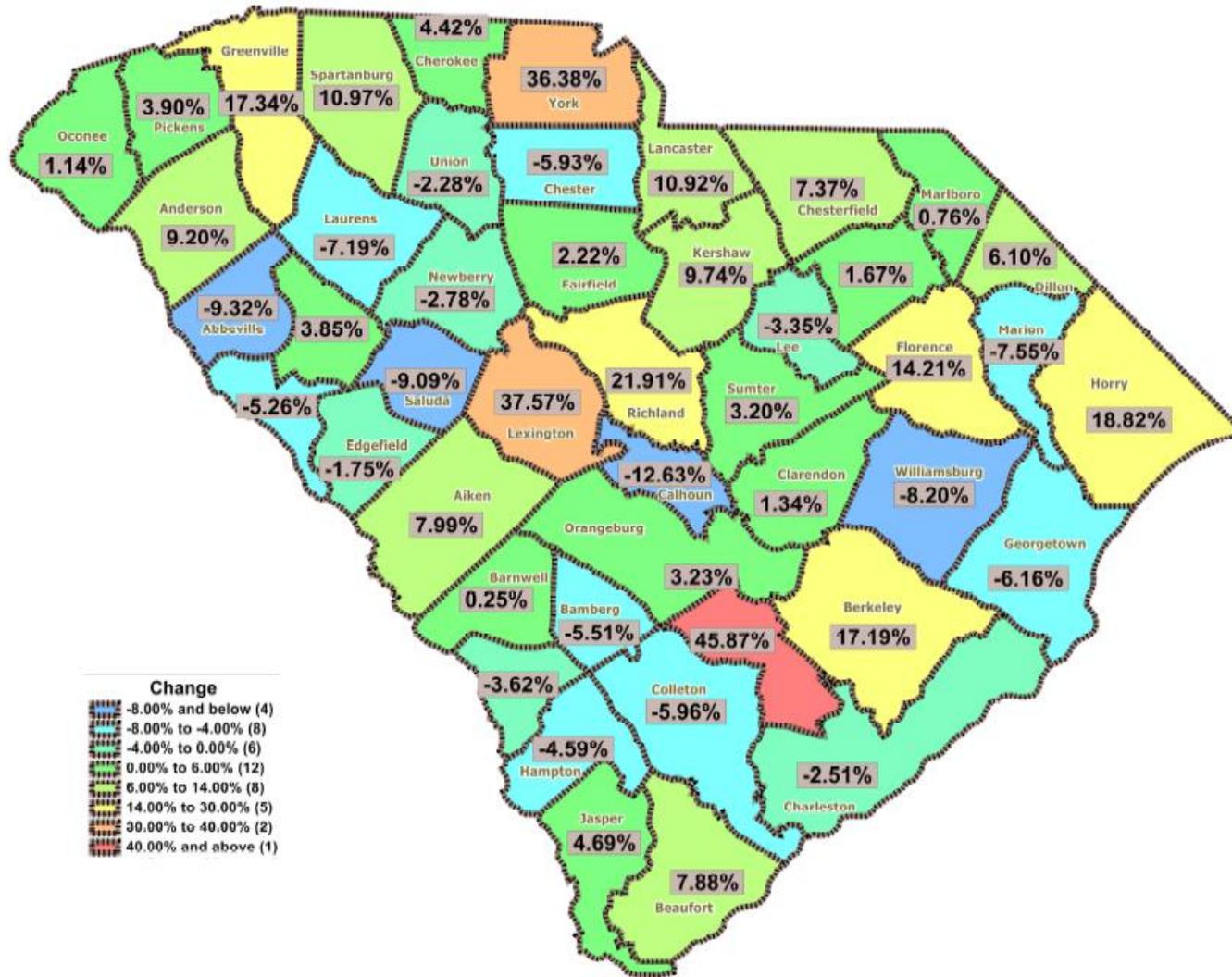


Table 2-b

Minority Population Changes by County

	2000 % White Population	2010 % White Population	Change in White Population	2000 % Black Population	2010 % Black Population	Change in Black Population	2000 % Hispanic Population	2010 % Hispanic Population	Change in Hispanic Population
South Carolina (Statewide)	67.19%	66.16%	13.52%	29.54%	27.90%	8.90%	2.37%	5.10%	147.89%
Abbeville	68.33%	69.60%	-1.06%	30.29%	28.28%	-9.32%	0.83%	1.00%	17.51%
Aiken	71.37%	69.62%	9.55%	25.56%	24.58%	7.99%	2.12%	4.89%	158.64%
Allendale	27.37%	23.66%	-19.65%	71.00%	73.63%	-3.62%	1.61%	2.29%	32.04%
Anderson	81.56%	80.06%	10.83%	16.59%	16.04%	9.20%	1.11%	2.91%	197.33%
Bamberg	36.47%	36.09%	-5.02%	62.50%	61.53%	-5.51%	0.71%	1.61%	118.64%
Barnwell	55.18%	52.60%	-8.16%	42.55%	44.27%	0.25%	1.39%	1.82%	25.69%
Beaufort	70.65%	71.88%	36.46%	23.98%	19.29%	7.88%	6.79%	12.06%	138.39%
Berkeley	68.05%	66.48%	21.89%	26.65%	25.03%	17.19%	2.76%	6.05%	173.32%
Calhoun	50.06%	53.88%	7.63%	48.71%	42.56%	-12.63%	1.40%	3.02%	116.04%
Charleston	61.89%	64.22%	17.18%	34.48%	29.76%	-2.51%	2.40%	5.39%	153.93%
Cherokee	76.92%	75.03%	2.76%	20.56%	20.38%	4.42%	2.08%	3.67%	86.08%
Chester	59.92%	59.79%	-2.95%	38.65%	37.38%	-5.93%	0.75%	1.45%	87.84%
Chesterfield	64.34%	62.81%	6.68%	33.22%	32.64%	7.37%	2.27%	3.56%	71.58%
Clarendon	44.93%	47.02%	12.62%	53.14%	50.05%	1.34%	1.72%	2.57%	60.54%
Colleton	55.52%	57.01%	4.37%	42.18%	39.03%	-5.96%	1.44%	2.81%	98.55%
Darlington	56.98%	55.86%	-0.09%	41.70%	41.60%	1.67%	0.98%	1.66%	73.25%
Dillon	50.39%	48.03%	-0.53%	45.35%	46.10%	6.10%	1.75%	2.60%	54.55%
Dorchester	71.11%	67.83%	35.22%	25.10%	25.83%	45.87%	1.79%	4.45%	252.79%
Edgefield	56.85%	58.64%	13.34%	41.57%	37.17%	-1.75%	2.05%	5.24%	181.11%
Fairfield	39.58%	38.55%	-0.50%	59.09%	59.14%	2.22%	1.07%	1.56%	49.60%
Florence	58.65%	54.88%	1.84%	39.34%	41.28%	14.21%	1.10%	2.21%	119.09%

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	2000 % White Population	2010 % White Population	Change in White Population	2000 % Black Population	2010 % Black Population	Change in Black Population	2000 % Hispanic Population	2010 % Hispanic Population	Change in Hispanic Population
Georgetown	59.73%	63.18%	14.11%	38.63%	33.60%	-6.16%	1.65%	3.10%	103.16%
Greenville	77.53%	73.82%	13.17%	18.30%	18.06%	17.34%	3.76%	8.09%	155.51%
Greenwood	65.57%	62.85%	0.75%	31.74%	31.36%	3.85%	2.87%	5.44%	99.21%
Hampton	42.90%	42.67%	-1.90%	55.68%	53.86%	-4.59%	2.56%	3.53%	36.01%
Horry	81.03%	79.87%	34.96%	15.49%	13.44%	18.82%	2.57%	6.20%	229.90%
Jasper	42.41%	43.02%	21.58%	52.71%	46.03%	4.69%	5.76%	15.14%	215.29%
Kershaw	71.61%	71.26%	16.61%	26.29%	24.62%	9.74%	1.68%	3.72%	159.37%
Lancaster	71.03%	71.55%	25.86%	26.86%	23.85%	10.92%	1.59%	4.41%	246.01%
Laurens	71.58%	70.41%	-5.91%	26.23%	25.45%	-7.19%	1.94%	4.10%	101.85%
Lee	35.03%	33.40%	-8.92%	63.56%	64.30%	-3.35%	1.31%	1.74%	26.52%
Lexington	84.18%	79.28%	14.40%	12.63%	14.30%	37.57%	1.92%	5.54%	250.43%
Marion	41.69%	40.63%	-9.15%	56.35%	55.88%	-7.55%	1.79%	2.39%	24.76%
Marlboro	44.49%	41.43%	-6.50%	50.73%	50.91%	0.76%	0.71%	2.77%	290.24%
McCormick	44.78%	48.71%	11.80%	53.88%	49.67%	-5.26%	0.86%	0.79%	-5.81%
Newberry	64.20%	62.12%	0.80%	33.21%	31.00%	-2.78%	4.26%	7.17%	75.47%
Oconee	89.14%	87.75%	10.42%	8.38%	7.56%	1.14%	2.36%	4.51%	114.40%
Orangeburg	37.20%	34.35%	-6.68%	60.90%	62.20%	3.23%	0.96%	1.91%	101.94%
Pickens	90.27%	88.70%	5.77%	6.82%	6.59%	3.90%	1.70%	3.14%	99.20%
Richland	50.28%	47.33%	12.83%	45.14%	45.91%	21.91%	2.72%	4.85%	113.90%
Saluda	65.80%	61.09%	-3.81%	29.99%	26.31%	-9.09%	7.30%	14.37%	103.93%
Spartanburg	75.09%	72.34%	7.93%	20.80%	20.60%	10.97%	2.79%	5.86%	135.25%
Sumter	50.14%	48.23%	-1.21%	46.69%	46.92%	3.20%	1.83%	3.29%	84.15%
Union	67.80%	66.59%	-4.82%	31.05%	31.30%	-2.28%	0.67%	0.97%	41.71%
Williamsburg	32.73%	31.78%	-10.22%	66.25%	65.76%	-8.20%	0.73%	2.00%	152.38%
York	77.24%	74.82%	33.03%	19.15%	19.02%	36.38%	1.96%	4.46%	212.89%

Table 2-c
Minority Percentages of Districts

	2000 NHBVAP	2000 NHBVAP %	2010 NHBVAP	2010 NHBVAP %
District 1	93,997	18.52%	121,438	18.21%
District 2	119,648	23.95%	160,401	25.43%
District 3	96,189	19.01%	104,165	18.59%
District 4	91,613	18.19%	109,401	18.75%
District 5	147,753	29.99%	170,416	29.41%
District 6	263,822	53.55%	273,099	52.08%
District 7	0	0.00%	0	0.00%

The Redistricting Process

1. Preparation for redistricting

Prior to the release of the P.L. 94-171 data on March 23, 2011, the SC House and SC Senate each prepared for the redistricting process and released preliminary information to both legislators and members of the public. Following the organization of the redistricting procedures, the SC House and SC Senate released information on the current districts to the public and its membership. Both the SC House and the SC Senate published websites containing similar information, along with meeting schedules, transcripts as they became available, points of contact, district maps and statistics, and plans submitted to the General Assembly for its consideration. This information was routinely updated throughout the process to encourage public participation and to ensure public availability of information concerning redistricting.

2. Public Hearings

Both the SC House and the SC Senate held extensive public hearings across the state to receive information from the public concerning Congressional redistricting and to allow interested persons to voice their opinions. The Election Laws Subcommittee of the House Judiciary Committee held nine hearings in Columbia, Beaufort, Florence, Rock Hill, Myrtle Beach, Aiken, Denmark, Greenville, and Summerville. Similarly, the Senate Judiciary Redistricting Subcommittee held ten public hearings in Orangeburg, Sumter, Beaufort, Aiken, Rock Hill, Greenville, Conway, Columbia, Florence and Charleston. These areas, which represent the major regions of the state, were selected to enable interested members of the public to have their voices heard on how the Congressional districts should be redrawn while efficiently minimizing their travel time.

3. Redistricting Criteria

As part of the redistricting process, both the House Election Laws Subcommittee and the Senate Judiciary Redistricting Subcommittee adopted redistricting criteria and guidelines that would be followed in drafting a redistricting plan for the seven Congressional districts. In particular, these criteria specified compliance with the United States Constitution and the opinions of the United States Supreme Court, the VRA, and the South Carolina Constitution and the laws of this state. *See* Attachment No. 1 – 2011 Redistricting Guidelines (SC Senate); Attachment No. 2 – 2011 Guidelines and Criteria for Congressional and Legislative Redistricting (SC House). The adopted Guidelines directed that the population of the Congressional districts would be based upon the 2010 Census, and that the number of persons in each district should be nearly as equal to the ideal population of 660,766 as practicable. In addition, the Guidelines specified compliance with various traditional redistricting criteria including contiguity, compactness, and consideration of communities of interest.

4. Legislative Activity

On March 30, 2011, Speaker Harrell filed H. 3992 as a skeleton bill; i.e., a bill to be amended and given content by the House Election Laws Subcommittee and Judiciary Committee. The bill was given first reading on that same date and referred to the House Judiciary Committee and, subsequently, to the Election Laws Subcommittee. Following extensive consultation with other members of the General Assembly and the current Congressional delegation, and taking into account the voluminous testimony received from the public, a Congressional plan was drafted for legislative consideration.

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On May 18, 2011, the Election Laws Subcommittee convened a meeting to review and distribute to members of the subcommittee the redistricting plan. Each of the Subcommittee members were provided detailed maps and demographics of the proposal and were afforded the opportunity to review the plan in detail before any substantive debate on the plan began. On May 23, 2011, the Subcommittee convened a public hearing to discuss the proposed Congressional plan and any amendments to be offered thereto. The initial version of H. 3992 was passed unanimously by the five-member committee consisting of three Republicans and two African American Democrats. Several amendments were offered by the Subcommittee members and on May 25, 2011, the Subcommittee reported H. 3992 favorably with amendments.

On Monday, June 6, 2011, the Full House Judiciary Committee convened to consider the Subcommittee report on H. 3992. Again, the plan, as amended by the subcommittee was adopted unanimously by the Full House Judiciary Committee which consists of 15 Republicans and 10 Democrats, five of whom are African Americans. Following adoption of the statewide plan, a total of ___ amendments were offered by committee members. That same day, the Full Committee favorably reported the bill to the full House.

On Tuesday, June 14, the full House convened to consider H. 3992. By a voice vote, the plan recommended by the House Judiciary Committee was adopted. Thereafter, individual members sponsored ___ amendments and the bill received second reading by a vote of 83-25 including twenty-three Democrats voting for the plan which included ten members of the Legislative Black Caucus. On June 15, 2011, the House gave third reading to H. 3992 and sent the bill to the Senate for its consideration.

On June 16, 2011, the Senate received the bill from the House, gave it first reading and referred the bill to the Senate Judiciary Committee. On June 20, 2011, the Senate Judiciary Redistricting Subcommittee convened to discuss H. 3992 and adopt amendments thereto. On June 21, 2011, the Senate Judiciary Committee reported the bill out favorably with an amendment.

On June 23, 2011, the Senate began debating the bill, adopting the Senate Judiciary Committee Amendment by a vote of 20-19. Debate ensued in the Senate over the course of the next three legislative days, with the Senate considering a total of 19 amendments to H. 3992. On June 28, 2011, the Senate gave second reading to H. 3992 by a vote of 22-20 and, the next day, gave the bill third reading by a vote of 25-15.

On the same day that the Senate approved the plan, H. 3992 was returned to the House for consideration of Senate Amendments. The House then proposed additional amendments to the bill on July 26, 2011 and returned it to the Senate, which concurred with the House Amendments and passed the bill by a vote of 24-16. The bill was enrolled and ratified the same date, July 26, 2011, and was sent to Governor Nikki Haley for consideration. Governor Haley signed the bill on August 1, 2011.

5. Effect of Redistricting Plan

As passed by the General Assembly and signed by the Governor of South Carolina, H. 3992 complies with the United States Constitution, the applicable provisions of the VRA, governing federal and state law, and traditional redistricting principles.

First and foremost, H. 3992 achieves population equality among the districts as required by the United States Constitution and as applied to Congressional districts through United States

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Supreme Court opinions. Prior to the modification of the district lines, the Congressional districts had an overall deviation of 129.69% ranging from -100.00% to +29.69%. As proposed in H. 3992, the districts achieve an overall deviation of 0.00% with only two districts having one person more than the ideal population of 660,766. This deviation comports with the Guidelines adopted by the Election Laws Subcommittee and Senate Redistricting Committee and represents population equality among the districts.

In addition, the plan complies with traditional redistricting criteria as adopted by the SC House and SC Senate. In particular, each of the seven districts is contiguous and compact in form. The districts do not have bizarre shapes, but follow census geography and prior configurations of the districts which reflect the state's most recent ongoing population shifts. Additionally, the plan considers communities of interest where possible, in particular by maintaining county, municipal and precinct boundaries where possible.

With respect to the impact of H. 3992 on minorities, the plan passed by the General Assembly complies with Section 5 of the VRA and is not retrogressive. H. 3992 maintains the majority-minority 6th Congressional district and, as a result, does not dilute racial or ethnic minority strength and does not have the intent or effect of dispersing or concentrating minority candidates in a manner that prevents minorities from electing their candidates of choice. To the contrary, and in accordance with the VRA, the laws of the United States of America, the laws of the State of South Carolina, and the public policy of this state, the proposed redistricting plan neither has the purpose nor the effect of denying or abridging any U.S. citizen's right to vote on account of race, color, or status as a member of a language minority group. Moreover, the plan does not decrease the absolute number of representatives which a minority group has a fair

chance to elect.⁶ Rather, H. 3992 maintains the minority population's ability to elect its preferred candidate of choice and, therefore, does not constitute retrogression and does not have the effect of diluting or abridging the right to vote on account of race within the meaning of Section 5.

Nor could there be any suggestion that the majority-minority 6th Congressional District under H. 3992 is somehow retrogressive compared to the majority-minority 6th Congressional District under the benchmark plan. The specific modifications to the 6th Congressional District reflect the need to maintain the district as a majority-minority district in order to comply with Section 2 and Section 5 of the Voting Rights Act. *See Colleton County v. McConnell*, 201 F. Supp. 2d 618, 665 (D.S.C. 2002) (“We agree ... that § 2 and § 5 of the Voting Rights act require the maintenance of the Sixth District as a majority-minority district.”). Additionally, the 6th District maintains its core population of the predominately black population located in the Pee Dee and in Richland and Charleston Counties. *See id.* (noting this core population and stating that the preservation of the district is a nonpartisan districting policy of the state). Furthermore, H. 3992 makes the 6th District more compact while maintaining whole counties where possible. *Compare id.* (noting court plan's “elimination of some of the rougher lines” of the then-benchmark plan).

Most importantly, even while insuring compliance with traditional redistricting principles, H. 3992 *increases* the NHBVAP of the 6th District to 55.18%. *Compare id.* (“[T]he magnitude of the population shortage in the Sixth District revealed by the 2000 census, coupled with our correction of some of the questionable aspects of the existing plan, only allowed for a

⁶ The retrogression inquiry focuses on the number of minority districts in the benchmark and enacted plans, rather than on the proportion of such districts to the total number of districts in the state or subdivision as a whole. *Abrams v. Johnson*, 521 U.S. 74, 97-98 (1997).

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constitutionally proper draw that has a 53.75% BVAP in the district.”). Thus, H. 3992 *improves* black voters’ overall voting strength in the only minority district that existed under the benchmark plan.